FEDERAL REGISTER

VOLUME 5 NUMBER 138

Washington, Wednesday, July 17, 1940

The President

CHATTAHOOCHEE NATIONAL FOREST—GEORGIA

TALLADEGA NATIONAL FOREST—ALABAMA

OUACHITA NATIONAL FOREST—ARKANSAS

APALACHICOLA NATIONAL FOREST—FLORIDA

CHEQUAMEGON AND NICOLET NATIONAL FORESTS—WISCONSIN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain lands which have been acquired or are in process of acquisition by the United States under authority of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), are situated within the exterior boundaries of the Chattahoochee National Forest as enlarged by Proclamations No. 2263 of December 7, 1937, and No. 2294 of August 2, 1938; the Talladega National Forest as enlarged by Proclamation No. 2285 of May 11, 1938; the Ouachita National Forest as enlarged by Proclamation No. 2296 of August 30, 1938; the Apalachicola National Forest as enlarged by Proclamation No. 2289 of June 21, 1938; the Chequamegon National Forest as enlarged by Proclamations No. 2271 of January 17, 1938, and No. 2303 of October 14, 1938; and the Nicolet National Forest as enlarged by Proclamations No. 2269 of January 17, 1938, and No. 2302 of October 14, 1938; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that it would be in the public interest to reserve such lands as parts of the said national forests; and

WHEREAS certain vacant, unappropriated, and unreserved public lands also suitable for national-forest purposes are situated within the exterior boundaries of the said Talladega National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and Title III of the said Bankhead-Jones Farm Tenant Act, do proclaim that all lands within the exterior boundaries of the Chattahoochee, Talladega, Ouachita, Apalachicola, Chequamegon, and Nicolet National Forests which have been acquired or are in process of acquisition by the United States under authority of Title III of the said Bankhead-Jones Farm Tenant Act, and the vacant, unappropriated, and unreserved public lands within the Talladega National Forest, are hereby included in and reserved as parts of the respective national forests within which they are situated.

Executive Order No. 6964, dated February 5, 1935, withdrawing for classification the public lands within the State of Alabama, is hereby revoked so far as it affects the public lands included in this proclamation.

The reservation made by this proclamation shall, as to any lands which are this date embraced in any valid claim under the public-land laws or reserved for any public purpose, be subject to, and shall not interfere with or defeat, legal rights under such claim, or prevent the use for such public purpose of lands so reserved, so long as such claim is legally maintained or such reservation remains in force.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 12'' day of July, in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2415]

[F. R. Doc. 40-2935; Filed, July 15, 1940; 3:34 p. m.]

CONTENTS

THE PRESIDENT

RULES, REGULATIONS, ORDERS

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

NOTICES

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 8389 OF APRIL 10, 1940, AS AMENDED

By virtue of the authority vested in me by section 5 (b) of the Act of October 6, 1917 (40 Stat. 411), as amended, and by virtue of all other authority vested in me, I, FRANKLIN D. ROOSEVELT, PRESIDENT of the UNITED STATES OF AMERICA, do hereby amend Executive Order No. 8389[1] of April 10, 1940, as amended, so as to extend all the provisions thereof to, and with respect to, property in which Latvia, Estonia or Lithuania or any national thereof has at any time on or since July 10, 1940, had any interest of any nature whatsoever, direct or indirect; except that, in defining "Latvia", "Estonia", "Lithuania" and "national" thereof the date "July 10, 1940" shall be substituted for the dates appearing in the definitions of countries and nationals thereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 15, 1940.

[No. 8484]

[F. R. Doc. 40-2938; Filed, July 16, 1940; 10:12 a. m.]

[1] 5 F.R. 1687, 2279.

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4152]

IN THE MATTER OF MAY'S CUT RATE DRUG COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* Disseminating, etc., in connection with offer, etc., of respondent's medicinal preparation designated and advertised as "MAYCO," and as "Genuine Mayco English Crown Female Capsules for Delayed Periods," and also designated as "Geuine Mayco English Crown Female Capsules, Double Strength," and as "Genuine Mayco English Crown Female Capsules, Triple Strength," or any other similar medicinal preparation, any advertisement by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisement represents, directly or by implication, that said preparation is a safe, competent and effective preparation for use in the treatment of delayed menstruation, or that it is a cure or remedy for delayed menstruation; or which advertisement fails to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, May's Cut Rate Drug Company, Docket 4152, July 6, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, May's Cut Rate Drug Company, a corporation, its officers, agents, representatives, servants, employees, and assigns, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its medicinal preparation designated and advertised as "MAYCO", and as "Genuine Mayco English Crown Female Capsules for Delayed Periods", and also designated as "Genuine Mayco English Crown Female Capsules, Double Strength", and as "Genuine Mayco English Crown Female Capsules, Triple Strength", or of any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same names or under any other name or names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparation is a safe, competent and effective preparation for use in the treatment of delayed menstruation; that said preparation is a cure or remedy for delayed menstruation; or which advertisement fails to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any representations prohibited in Paragraph 1 hereof, or which fails to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user.

It is further ordered, That the respondent shall, within ten (10) days after service upon it of this order, file with the Commission an interim report in writing, stating whether it intends to comply with this order, and, if so, the manner and form in which it intends to comply; and that within sixty (60) days after service upon it of this order, said respondent shall file with the Com-

mission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 40-2945; Filed, July 16, 1940; 11:36 a. m.]

[Docket No. 4153]

IN THE MATTER OF MAY'S CUT RATE DRUG COMPANY OF CHARLESTON

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* Disseminating, etc., in connection with offer, etc., of respondent's medicinal preparation designated and advertised as "MAYCO", and as "Genuine Mayco English Crown Female Capsules for Delayed Periods", and also designated as "Genuine Mayco English Crown Female Capsules, Double Strength", and as "Genuine Mayco English Crown Female Capsules, Triple Strength", or any other similar medicinal preparation, any advertisement by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisement represents, directly or by implication, that said preparation is a safe, competent and effective preparation for use in the treatment of delayed menstruation, or that it is a cure or remedy for delayed menstruation; or which advertisement fails to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, May's Cut Rate Drug Company of Charleston, Docket 4153, July 6, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, May's Cut Rate Drug Company of Charleston, a corporation, its officers, agents, representatives, servants, employees, and assigns, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its medicinal preparation designated and advertised as "MAYCO", and as "Genuine Mayco English Crown Female Capsules for Delayed Periods", and also designated as "Genuine Mayco English Crown Female Capsules, double Strength", and as "Genuine Mayco English Crown Female Capsules, Triple Strength", or of any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same names or under any other name or names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparation is a safe, competent and effective preparation for use in the treatment of delayed menstruation; that said preparation is a cure or remedy for delayed menstruation; or which advertisement fails to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any representation prohibited in Paragraph 1 hereof, or which fails to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user.

It is further ordered, That the respondent shall, within ten (10) days after service upon it of this order, file with the Commission an interim report in writing, stating whether it intends to comply with this order and, if so, the manner and form in which it intends to comply; and that within sixty (60) days after service upon it of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 40-2946; Filed, July 16, 1940; 11:36 a. m.]

[Docket No. 4154]

IN THE MATTER OF PITTSBURGH CUT RATE DRUG COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* Disseminating, etc., in connection with offer, etc., of respondent's medicinal preparation designated and advertised as "Genuine Mayco English Crown Female Capsules for Delayed Periods", and also designated as "Genuine Mayco English Crown Female Capsules, Double Strength" and as "Genuine Mayco English Crown Female Capsules, Triple Strength", or any other similar medicinal preparation, any advertisement by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisement represents, directly or by implication, that said preparation is a safe, competent and effective preparation for use in the treatment of delayed menstruation, or that it is a cure or remedy for delayed menstruation; or which advertisement fails to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Pittsburgh Cut Rate Drug Company, Docket 4154, July 6, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Pittsburgh Cut Rate Drug Company, a corporation, its officers, agents, representatives, servants, employees, and assigns, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its medicinal preparation designated and advertised as "Genuine Mayco English Crown Female Capsules for Delayed Periods", and also designated as "Genuine Mayco English Crown Female Capsules, double Strength", and as "Genuine Mayco English Crown Female Capsules, Triple Strength", or of any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same names or under any other name or names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by

means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparations is a safe, competent and effective preparation for use in the treatment of delayed menstruation; that said preparation is a cure or remedy for delayed menstruation; or which advertisement fails to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any representations prohibited in Paragraph 1 hereof, or which fails to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user.

It is further ordered, That the respondent shall, within ten (10) days after service upon it of this order, file with the Commission an interim report in writing, stating whether it intends to comply with this order and, if so, the manner and form in which it intends to comply; and that within sixty (60) days after service upon it of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 40-2947; Filed, July 16, 1940; 11:37 a. m.]

[Docket No. 3200]

IN THE MATTER OF ALGREN MANUFACTURING COMPANY, INC.

§ 3.66 (a7) *Misbranding or mislabeling—Composition.* Using, in connection with offer, etc., in interstate commerce or in the District of Columbia, of wrist watch buckles, the term "gold filled" or any other term or word of similar import and meaning as a brand, stamp, or label upon or for such wrist watch buckles, unless said buckles shall have an alloyed gold content of one-twentieth by weight of 10 karat gold, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Algren Manufacturing Company, Inc., Docket 3200, July 9, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of July, A. D. 1940.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before John W. Addison, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief on behalf of the Commission filed herein by Morton Nesmith, counsel for the Commission (respondent having waived the filing of brief), oral argument not having been requested, and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Algren Manufacturing Company, Inc., its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of wrist watch buckles in interstate commerce or in the District of Columbia do forthwith cease and desist from:

1. Using the term "gold filled" or any other term or word of similar import and meaning as a brand, stamp, or label upon or for wrist watch buckles, unless such buckles shall have an alloyed gold content of one-twentieth by weight of 10 karat gold.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2944; Filed, July 16, 1940; 11:36 a. m.]

[Docket No. 3906]

IN THE MATTER OF MADAME VERA, ETC.

§ 3.6 (r) (7) *Advertising falsely or misleadingly—Prices—Usual as reduced:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (dd) *Advertising falsely or misleadingly—Special offers:* § 3.6 (dd10) *Advertising falsely or misleadingly — Success, use or standing:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers.* Disseminating, etc., in connection with offer, etc., of respondent's medicinal preparation advertised as "Madam Vera Hair Salve", or any other similar medicinal preparation, any advertisement by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that said preparation is a competent or effective remedy for the condition known as dandruff or falling hair, that it grows new hair, that it has been successfully used by anyone, or that any price which is the customary and usual price at which said preparation is offered for sale is a special or reduced price, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Madame Vera, etc., Docket 3906, July 9, 1940]

IN THE MATTER OF VERONICA IGNATOVITCH, TRADING AS MADAME VERA, MADAM VERA, AND MME. VERA

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of July, A. D. 1940.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent and a stipulation of facts entered into between Robert H. Gould, attorney for the respondent, the respondent in person, and John M. Russell, attorney for the Federal Trade Commission, which stipulation provides among other things that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceedings, and the Commission having made its findings as to the facts and conclusion that respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Veronica Ignatovitch, trading as Madame Vera, Madam Vera, and Mme. Vera, or trading under any other name or names, her agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of her medicinal preparation advertised as "Madam Vera Hair Salve", or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

(1) disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisements represent directly or through inference that said preparation is a competent or effective remedy for the condition known as dandruff or falling hair; that it grows new hair; that it has been used success-

[1] 3 F.R. 1340.

[1] 5 F.R. 1583.

fully by anyone; or that any price which is the customary and usual price at which said preparation is offered for sale is a special or reduced price;

(2) disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any said preparation which advertisements contain any of the representations prohibited in Paragraph One hereof.

It is further ordered, That the respondent shall within sixty (60) days after service upon her of this order file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 40-2948; Filed, July 16, 1940; 11:37 a. m.]

[Docket No. 4091]

IN THE MATTER OF BLUE RIBBON CANDY COMPANY, INC., ETC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, candy or any merchandise so packed and assembled that sales thereof to the general public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Blue Ribbon Candy Company, Inc., etc., Docket 4091, July 9, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, others with candy or any merchandise, together with push or pull cards, punch boards or any other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing said candy or merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Blue Ribbon Candy Company, Inc., etc., Docket 4091, July 9, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, others with push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing any merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Blue Ribbon Candy Company, Inc., etc., Docket 4091, July 9, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Blue Ribbon Candy Company, Inc., etc., Docket 4091, July 9, 1940]

IN THE MATTER OF BLUE RIBBON CANDY COMPANY, INC., A CORPORATION, ALSO TRADING AS AMERICAN CANDY AND SALES COMPANY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of July, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Blue Ribbon Candy Company, Inc., a corporation, also trading as American Candy and Sales Company, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling and distributing candy or any merchandise so packed and assembled that sales of such candy or other merchandise to the general public are to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to or placing in the hands of others candy or any merchandise, together with push or pull cards, punch boards or any other lottery device, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing said candy or merchandise to the public;

(3) Supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing any merchandise to the public;

(4) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 40-2949; Filed, July 16, 1940; 11:37 a. m.]

[Docket No. 4138]

IN THE MATTER OF UNITED STATES MARBLE & GRANITE COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, directly or by implication, in connection with offer, etc., in commerce, of marble and granite tombstones and monuments, that respondent's memorials will stand the ravages of time forever, or that they are everlasting or forever durable, or that they will never fade, stain or tarnish, or that they will always retain their original brightness, or that they are age enduring, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United States Marble & Granite Company, Docket 4138, July 9, 1940]

§3.6 (a) (2.5) *Advertising falsely or misleadingly — Business status, advantages or connection of advertiser—Bonded business:* § 3.6 (h) *Advertising falsely or misleadingly—Fictitious or misleading guarantees:* §3.72 (i) *Offering deceptive inducements to purchase—Money back guarantee.* Representing, directly or by implication, in connection with offer, etc., in commerce, of marble and granite tombstones and monuments, that respondent has posted a "Gold Bond Guarantee" assuring purchasers of the everlasting quality and durability of his said products and the freedom of such products from fading, staining or tarnishing, and that said "Gold Bond Guarantee" protects purchasers of such products if respondent's claims and representations are not true, prohibited. (Sec 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United States Marble & Granite Company, Docket 4138, July 9, 1940]

IN THE MATTER OF ASA L. WOOTEN, AN INDIVIDUAL, TRADING AS UNITED STATES MARBLE & GRANITE COMPANY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 9th day of July, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Asa L. Wooten, an individual, trading as United States Marble & Granite Company, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of marble and granite tombstones and monuments in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(1) That respondent's memorials will stand the ravages of time forever, or that they are everlasting or forever durable, or that they will never fade, stain or tarnish;

(2) That respondent's said marble and granite tombstones and monuments will always retain their original brightness or that said memorials are age enduring;

(3) That respondent has posted a "Gold Bond Guarantee" assuring purchasers of the everlasting quality and durability of his said products and the freedom of such products from fading, staining or tarnishing and that said "Gold Bond Guarantee" protects purchasers of such products if respondent's claims and representations are not true.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 40-2950; Filed, July 16, 1940; 11:38 a. m.]

[Docket No. 4158]

IN THE MATTER OF THE REVA COMPANY

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly — Safety.* Disseminating, etc., in connection with offer, etc., of respondent's cosmetic preparation designated as "Reva" or any other similar cosmetic preparation, any advertisement by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that respondent's preparation is not a dye or is anything other than a dye, or that it will supply a substitute for or replace natural pigment or color in the hair, or restore natural or youthlike color to the hair, or that it will have any effect in stimulating the growth of hair, or that it is a cure or remedy for dandruff, scalp eczema, or falling hair, or that it has any therapeutic value in the treatment thereof in excess of affording temporary relief from the symptoms of itching in some instances, or that said preparation is a safe or harmless preparation for use in the treatment of hair or scalp disorders, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Reva Company, Docket 4158, July 9, 1940]

IN THE MATTER OF CECIL DWIGHT KITCHEN, AN INDIVIDUAL TRADING AS THE REVA COMPANY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of July, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all of the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Cecil Dwight Kitchen, individually and trading as The Reva Company, or trading under any other name or names, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of his cosmetic preparation designated as "Reva" or any other cosmetic preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisements represent directly or through inference:

(a) That respondent's preparation is not a dye or is anything other than a dye;

(b) That respondent's preparation will supply a substitute for or replace natural pigment or color in the hair;

(c) That respondent's preparation will restore natural or youthlike color to the hair;

(d) That respondent's preparation will have any effect in stimulating the growth of hair;

(e) That respondent's preparation is a cure or remedy for dandruff, scalp eczema, or falling hair, or that it has any therapeutic value in the treatment thereof in excess of affording temporary relief from the symptoms of itching in some instances;

(f) That respondent's preparation is a safe or harmless preparation for use in the treatment of hair or scalp disorders.

2. Disseminating, or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly the purchase of said cosmetic preparation in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisements contain any of the representations prohibited in Paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 40-2951; Filed, July 16, 1940; 11:38 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

PART 27—EXCESS PROFITS ON CONTRACTS FOR NAVAL VESSELS AND ARMY AND NAVY AIRCRAFT

TABLE OF CONTENTS

§ 27.0 *Introductory.* Pursuant to the authority prescribed by section 4 of the Act of June 28, 1940 (Public, No. 671, 76th Cong., 3d sess.) and Executive Order No. 8465, June 29, 1940, the following joint rules are hereby prescribed for the administration of such section 4 and such Executive Order:*

§ 27.1 *Definitions.* As used in these rules the term—

(a) "Act" means the Act of June 28, 1940 (Public, No. 671, 76th Cong., 3d sess.), entitled "AN ACT To expedite national defense, and for other purposes."

(b) "Executive Order" means Executive Order No. 8465 signed by the President June 29, 1940, prescribing regulations under section 4 of the Act.

(c) "Secretary of the Department concerned" means the Secretary of War or the Secretary of the Navy as the case may be.

(d) "Certification" means a certification made by the Secretary of the Department concerned to the Commissioner of Internal Revenue under the provisions of section 4 of the Act and in accordance with the Executive Order.

(e) "National emergency" means the national emergency declared by the President on September 8, 1939, to exist.

(f) "Contracting party" means the contractor or subcontractor as the case may be.

(g) "Contract or subcontract" means a contract or subcontract with respect to which the particular request for certification is made.*

§ 27.2 *Special additional equipment and facilities.* A certification will be made only with respect to special additional equipment and facilities acquired to facilitate, during the national emergency, the completion of any complete naval vessel or Army or Navy aircraft or any portion thereof in private plants. Additional equipment and facilities will generally be considered to be of this character, if necessarily acquired specially to facilitate, during the national emergency, the completion of a complete naval vessel or Army or Navy aircraft or any portion thereof. The special additional equipment and facilities may have been acquired before or after the approval of the Act. It is not essential that such special additional equipment and facilities be designed exclusively for any special type of work to be performed under the contract or subcontract or that such special additional equipment and facilities be adaptable only for work required under the contract or subcontract. However, no certification will be made in the case of any item of additional equipment and facilities which, in the absence of the contract or subcontract, would be reasonably necessary in the contracting party's operations.*

*§§ 27.0 to 27.13, inclusive, issued under the authority contained in section 4 of the Act of June 28, 1940 (Public, No. 671, 76th Cong., 3d sess.) and E. O. No. 8465, June 29, 1940.

§ 27.3 *Information as to other arrangements affecting cost to be borne by Government.* At all times prior to the first day on which the certification becomes binding upon the Commissioner of Internal Revenue, the contracting party shall keep the Secretary of the Department concerned and the Commissioner of Internal Revenue advised as to whether any other Department or Agency of the Government has agreed to bear any portion of the cost of such special additional equipment and facilities, or whether it is contemplated that any portion of such cost will be so borne, or whether such additional equipment and facilities have been or will be used by the contracting party in connection with any work other than that required under the contract or subcontract.*

§ 27.4 *Description of equipment and facilities.* In the certification to the Commissioner of Internal Revenue, the Secretary of the Department concerned will, for the purposes of paragraph (8) of the Executive Order, describe the special additional equipment and facilities in sufficient detail to enable the Commissioner of Internal Revenue to identify all such special additional equipment and facilities for administrative purposes, as, for example, in connection with the audit of the contracting party's report. The Secretary of the Department concerned shall in each case determine what information, other than that necessary to comply with paragraph (3) of the Executive Order, shall be submitted by the contracting party for the purpose of enabling such Secretary so to describe each item of such special additional equipment and facilities.*

§ 27.5 *Types of certifications.* The certifications which may be made in the case of a particular contract or subcontract, with respect to one or more items of special additional equipment and facilities coming within the scope of section 4 of the Act and the Executive Order (see § 27.2 of these rules), are as follows:

(a) *Certification upon the basis of estimated cost.* Prior to the time when the cost of any particular item or group of items of special additional equipment and facilities is ascertained, a certification may be made in the case of such contract or subcontract upon the basis of estimated cost of such item or items, which certification shall be made as to (a) the necessity and estimated cost of such item or items and (b) the percentage of cost of each such item to be charged against the contract or subcontract. But see § 27.6 of these rules. Such certification shall be entitled "Form A—Certification upon the basis of estimated cost."

(b) *Supplemental certifications.* Subsequent to the making of a certification upon the basis of estimated cost in the case of such contract or subcontract and after the cost of the item or items covered by such certification is ascertained—

(1) *As to cost.* A supplemental certification *shall* be made as to the cost of such item or items covered by the certification upon the basis of estimated cost (see § 27.6 of these rules), which supplemental certification shall be entitled "Form B1—Supplemental certification as to cost."

(2) *As to cost and necessity.* A supplemental certification may be made as to the necessity of the part of the cost of any such item or items which is in excess of the estimated cost thereof, but in such case (in lieu of a supplemental certification as to cost) a supplemental certification shall be made as to (a) the cost of all items covered by the certification upon the basis of estimated cost and (b) the necessity of the part of the cost of any such item which is in excess of the estimated cost thereof, which certification shall be entitled "Form B2—Supplemental certification as to cost and necessity."

(c) *Certification as to necessity, cost and percentage.* If in the case of a contract or subcontract no certification upon the basis of estimated cost has been made with respect to a particular item or group of items, a certification may be made after the cost thereof is ascertained, which certification shall be as to (a) the necessity and cost of such item or items and (b) the percentage of cost of each such item to be charged against the contract or subcontract. Such certification shall be entitled "Form C—Certification as to necessity, cost and percentage."

(d) *Final certification as to percentage.* If in the case of any contract or subcontract a certification upon the basis of estimated cost has been made with respect to any particular item or items (see subsection (a), above) and a supplemental certification as to cost or a supplemental certification as to cost and necessity has been made as to such item or items (see subsection (b) (1) and (2), above), or if a certification as to necessity, cost and percentage has been made with respect to any particular item or items (see subsection (c), above), thereafter a certification in the case of such contract or subcontract may be made after completion of the contract or subcontract, finally determining the percentage of cost of each such item to be charged against the contract or subcontract (see §27.8 of these rules), which certification shall be entitled "Form D—Final certification as to percentage."

No certification shall be made unless a proper request therefor has been filed by the contracting party.*

§ 27.6 *Certification upon basis of estimated cost of equipment and facilities.* In any case in which the Secretary of the Department concerned considers it necessary or advisable in the case of any contract or subcontract to make a certification to the Commissioner of Internal Revenue upon the basis of the estimated cost of any item or items of

special additional equipment and facilities, a certification may be made as to (a) the necessity and estimated cost of each such item of such special additional equipment and facilities and (b) the percentage of the cost of each such item to be charged against the contract or subcontract. Only one certification shall be made upon the basis of estimated cost of any such item in the case of any contract or subcontract. The certification upon the basis of estimated cost, though not objected to by the Commissioner of Internal Revenue in the manner provided for by section 4 of the Act, will not be binding upon him with respect to the necessity for the items which are the subject of the certification except to the extent of the aggregate cost of such items or the aggregate estimated cost of such items, whichever is the smaller. In determining the extent to which such certification shall not be binding as to the necessity for a particular item, the excess of aggregate cost of all items over the aggregate estimated cost of all items shall be distributed among the items the cost of which exceeds the estimated cost, according to the proportion which the excess of cost over estimated cost of a particular item bears to the total amount by which the cost of all such items exceeds the estimated cost thereof. The certification will be binding upon the Commissioner of Internal Revenue with respect to the percentage of cost of each such item to be charged against the contract or subcontract, but no amount may be charged against the contract or subcontract in pursuance of such certification, unless a supplemental certification as to the cost of such item (agreed to by the contracting party and not objected to by the Commissioner of Internal Revenue) is made to the Commissioner of Internal Revenue within the time prescribed by paragraph (7) of the Executive Order. Thus, though a supplemental certification as to cost is later made, a certification upon the basis of estimated cost will not be binding except to the extent of the specified percentage as applied to estimated cost or cost, whichever is the smaller, but this limitation does not prevent the making (after full compliance with the provisions of the Executive Order and these rules) of a supplemental certification as to necessity and cost after cost is ascertained, which supplemental certification may, as to necessity, supersede the certification made upon the basis of estimated cost.*

§ 27.7 *Certification as to necessity.* In any case in which a certification is made to the Commissioner of Internal Revenue as to the necessity of any item of special additional equipment and facilities, the certification shall, in conformity with the provisions of paragraph (8) of the Executive Order, state the necessity in reasonable detail. However, if in the opinion of the Secretary of the Department concerned it would be against the public interest to include in the certification all the reasons why such necessity is deemed to exist, then the reasons not set forth in the certification may be transmitted to the Commissioner of Internal Revenue by a confidential statement, accompanying the certification.*

§ 27.8 *Supplemental certification as to percentage.* The fact that in the case of any contract or subcontract a certification is made with respect to any item or items of special additional equipment and facilities, upon the basis of estimated cost (see § 27.5 (b) and § 27.6 of these rules), or that a certification as to necessity, cost and percentage has been made (see § 27.5 (c) of these rules), will not preclude the making of a final certification as to percentage (see § 27.5 (d) of these rules) after the cost of such items is ascertained and after the contract or subcontract is completed, finally determining the percentage of cost of any such item to be charged against the contract or subcontract, which percentage (since it must be agreed to by the contracting party) may be greater or less than the percentage previously certified; but no such certification shall be made unless a request therefor is filed in accordance with paragraphs (3), (4) and (5) of the Executive Order, relating to the contents of, and time for filing, such request, and the filing of copies thereof with the Commissioner of Internal Revenue.*

§ 27.9 *Percentage of cost of equipment and facilities chargeable against contract or subcontract.* With respect to any item of special additional equipment and facilities, the percentage of cost thereof to be charged against a contract or subcontract will depend upon the facts in the particular case. Due regard must be given primarily to the nature of the action which will be taken to effect a compliance with the provisions of paragraph (6) of the Executive Order, relating to protection of the interests of the Government, provision for priority for Government work, and preservation for national defense purposes. For example, the reasonableness of the cost of a particular item of special additional equipment and facilities is a pertinent factor in fixing the percentage.*

§ 27.10 *Effect of subsequent changes affecting Government's interest.* No certification will be considered to be binding upon the Commissioner of Internal Revenue as to the percentage of cost to be charged against a contract or subcontract in respect of any item of special additional equipment and facilities if, subsequent to the making of such certification, a change adversely affecting the interest of the Government is made in any of the measures taken to effect a compliance with paragraph (6) of the Executive Order. However, in the event such a change is made, a new certification may thereafter be made, provided the requirements of the regulations prescribed by the Executive Order are met.*

§ 27.11 *When certification is exclusive procedure.* If in the case of any contract or subcontract a certification is made with respect to any item or items of special additional equipment and facilities coming within the scope of section 4 of the Act and if any such certification has become binding upon the Commissioner of Internal Revenue, the percentage of the cost of each such item to be charged against the contract or subcontract shall be determined only in accordance with the procedure provided for by section 4 of the Act and the regulations prescribed by the Executive Order, and no amount or allowance of any character shall be charged against the contract or subcontract in respect of any such item except to the extent of the percentage of cost of such item which is chargeable against the contract or subcontract in accordance with any such certification which has become binding upon the Commissioner of Internal Revenue. In his request for certification, or prior to making of a certification, the contracting party shall agree to the foregoing provisions of this section.*

§ 27.12 *Effect of contracting party's failure to request certification.* If in the case of any contract or subcontract a contracting party fails to avail himself of the procedure provided for by section 4 of the Act and the regulations prescribed by the Executive Order in respect of any item of special additional equipment and facilities coming within the scope of such section 4, then in determining the cost of performing such contract or subcontract it will be presumed (a) that such item of special additional equipment and facilities will be useful in the contracting party's business throughout the normal useful life of such item and (b) that depreciation and obsolescence only as computed upon such basis is allowable as an element of cost of performing the contract or subcontract. Depreciation and obsolescence will not be determined upon any other basis in the absence of clear and convincing evidence by the contracting party as to the useful life of such item. Any depreciation and obsolescence which is allowable as an element of cost of performing the contract or subcontract will be determined (for the purposes of the profit-limiting provisions of section 2 (b) of the Act and section 3 (b) of the Act of March 27, 1934, as amended, and such section 3 (b) as applied to Army aircraft) by the Commissioner of Internal Revenue, but no amount of depreciation and obsolescence will be allowed by the Commissioner of Internal Revenue for such purposes until after the expiration of the period within which a certification may be made by the Secretary of the Department concerned with respect to the contract or subcontract. See paragraph (7) of the Executive Order.*

§ 27.13 *Certification to be separate document.* A separate certification shall be made with respect to each contract or subcontract. Such certification, agreed to by the contracting party, need not be, and preferably shall not be,

included in the contract or subcontract, which may contain such reference to the certification or request for certification as may be agreed upon by the Secretary of the Department concerned and the contracting party.*

[SEAL] LOUIS JOHNSON,
Acting Secretary of War.
LEWIS COMPTON,
Acting Secretary of the Navy.
T. MOONEY,
Acting Commissioner of Internal Revenue.

[F. R. Doc. 40-2936; Filed, July 15, 1940; 4:29 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES.

PART 130—REGULATIONS RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, PAYMENTS, AND THE EXPORT OR WITHDRAWAL OF COIN, BULLION AND CURRENCY; AND TO REPORTS OF FOREIGN PROPERTY INTERESTS IN THE UNITED STATES

AMENDMENT

JULY 15, 1940.

The Regulations of April 10, 1940, as amended (§§ 130.1 to 130.6),[1] are further amended so as to extend all the provisions thereof to, and with respect to, property in which Latvia, Estonia or Lithuania or any national thereof has at any time on or since July 10, 1940, had any interest of any nature whatsoever, direct or indirect; except that reports on Form TFR-100 with respect to all property situated in the United States on July 10, 1940, in which Latvia, Estonia or Lithuania or any national thereof has at any time on or since July 10, 1940, had any interest of any nature whatsoever, direct or indirect, shall be filed by August 10, 1940.*

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved, July 15, 1940.

FRANKLIN D. ROOSEVELT.

[F. R. Doc. 40-2939; Filed, July 16, 1940; 10:12 a. m.]

PART 153—GENERAL LICENSE NO. 23, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

General Licenses Nos. 1, 2, 4, 5, 9, 11, and 12, as amended, issued under Executive Order No. 8389 of April 10, 1940, as amended, are hereby further amended so that as of the date hereof there shall be substituted for the words "Norway, Denmark, the Netherlands, Belgium, Luxembourg, or France", wherever they appear in such General Licenses, the words "Norway, Denmark, the Netherlands, Belgium, Luxembourg, France, Latvia, Estonia, or Lithuania."

General License No. 12, as amended, issued under Executive Order No. 8389 of April 10, 1940, as amended, is hereby further amended by substituting a comma for the semicolon at the end of subdivision 2 thereof and adding thereafter the following:

"or subject to the property interests therein as of July 10, 1940, of Latvia, Estonia or Lithuania or any national thereof;"*

D. W. BELL,
Acting Secretary of the Treasury.

JULY 15, 1940.

[F. R. Doc. 40-2940; Filed, July 16, 1940; 10:13 a. m.]

PART 154—GENERAL LICENSE NO. 24 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

A general license is hereby granted authorizing banking institutions within the United States to make payments from accounts in which Latvia, Estonia or Lithuania or a national thereof has a property interest within the meaning of the Executive Order of April 10, 1940, as amended, and the Regulations issued thereunder, of checks and drafts drawn or issued prior to July 10, 1940, and to accept and pay and debit to such accounts drafts drawn prior to July 10, 1940, under letters of credit; provided, that each banking institution making any payment or debit authorized by this general license shall file promptly with the appropriate Federal Reserve bank weekly reports showing the details of such transactions.**

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

JULY 15, 1940.

[F. R. Doc. 40-2941; Filed, July 16, 1940; 10:13 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

APPLICATION FOR AUTHORITY TO CONSTRUCT FOR EXPERIMENTAL SERVICE IN THE TRANSPORTATION OF PETROLEUM PRODUCTS 10 TANK-CAR TANKS FABRICATED BY FUSION WELDING GRANTED

Authority to construct and use 25 fusion-welded tank cars granted July 29, 1937, amended. Victor Willoughby and R. W. Thompson for applicants. Decided June 26, 1940.

Supplemental Report of the Commission[1]

In our several prior reports we granted upon application therein considered authority to build and use for experimental transportation of dangerous articles other than explosives a total of 1273 tank cars to be equipped with tanks fabricated by fusion welding but otherwise conforming to I.C.C. shipping container specifications.

By application No. 2302-Revision B filed by the mechanical division, Association of American Railroads, under date of August 4, 1939, and transmitted to us June 12, 1940, we are asked to authorize the American Car & Foundry Company to construct for use in the transportation of petroleum products ten (10) test cars conforming to current I.C.C. shipping container specification 103 for tank cars, except that tanks will be fabricated by fusion welding instead of riveting. Attachment of tanks to underframes will be by riveting conforming to the specification.

Application and accompanying drawings provide for tanks having capacity of 8,000 gallons each. Construction will be in accordance with effective regulations and proposed I.C.C. specification 103-W, filed as an exhibit at the hearing herein, and all features of design and construction of the cars have been passed upon as satisfactory by the Committee on Tank Cars and Bureau of Explosives of the Association. Reports required by previous authorities granted for fusion-welded test cars show that cars constructed and in service have moved in thousands of trips over a total of millions of miles of safe transportation.

Upon further consideration of the record and in the light of added facts disclosed in the instant application, the construction and use of ten tanks of tank cars, of specification 103 type, is forthwith authorized, provided that tanks may be fusion welded instead of riveted, and must be constructed and marked in com-

[1] 5 F.R. 1680.

*§§ 130.1 to 130.6: sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; E.O. 8446, June 17, 1940; E.O. 8484, July 15, 1940.

*Part 153; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; E.O. 8446, June 17, 1940; E.O. 8484, July 15, 1940; Regulations, April 10, 1940, as amended May 10, 1940, June 17, 1940, and July 15, 1940.

**Part 154; sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; E.O. 8446, June 17, 1940; E.O. 8484, July 15, 1940; Regulations, April 10, 1940, as amended May 10, 1940, June 17, 1940, and July 15, 1940.

[1] Under the authority of section 17 (6) of the Interstate Commerce Act, the above-entitled matter was referred by the Commission to Commissioner Johnson for consideration and disposition.

pliance with proposed revised I.C.C. specification 103–W, filed as an exhibit at the hearing and referred to in our prior reports; cars to be used in service tests in the transportation of petroleum products authorized by our regulations to be carried in tank cars of specification 103 type.

In all other respects the regulations for the transportation of dangerous articles herein referred to are and shall remain in full force and effect.

Owners or operators of cars, where construction is authorized herein, shall make semiannual inspection of the tanks and report their condition to the same parties as receive reports required by I.C.C. specification 103.

In our report herein dated July 29, 1937, we granted application 1442 of the mechanical division, Association of American Railroads, permitting the General American Transportation Corporation to construct 25 fusion-welded tank car tanks of specification 105A300 type for use in the transportation of petroleum products. Specification 105A300W filed as an exhibit at the hearing herein was referred to and the authority granted otherwise conformed to others approved about the same date for the same service.

By application of the mechanical division dated June 17, 1940, we are asked to amend the prior authority referred to so as to permit all cars under the application to be constructed to meet the more rigid requirements of standard specification 105A400 and fusion-weld specification 105A400W, also filed as an exhibit herein, for which drawings have been furnished. The cars are to be used in the transportation of petroleum products authorized by our regulations to be carried in tank cars in accordance with the amended authority requested.

Upon further consideration of the record and in the light of the foregoing further facts, our authority granted July 29, 1937, is hereby modified accordingly. In all other respects the prior authority shall be in full force and effect.

By the Commission, Commissioner Johnson.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 40–2942; Filed, July 16, 1940; 11:29 a. m.]

[No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

APPLICATION BY GENERAL AMERICAN TRANSPORTATION CORPORATION FOR AUTHORITY TO CONSTRUCT FOR EXPERIMENTAL SERVICE IN THE TRANSPORTATION OF CAUSTIC SODA SOLUTION ONE TANK-CAR TANK FABRICATED BY FUSION WELDING GRANTED

R. W. Thompson for applicant. Decided July 5, 1940.

Supplemental Report of the Commission [1]

In our several prior reports we granted upon applications therein considered authority, in addition to that contained in current regulations of the Commission for the transportation of dangerous articles other than explosives, to build and use for experimental service a total of 1183 tank cars equipped with tanks fabricated by fusion welding but otherwise conforming to I.C.C. shipping container specifications.

By application numbered 2359 filed with the Association of American Railroads by the General American Transportation Corporation under date of October 19, 1939, and transmitted to us by letter of the Association dated June 17, 1940, we are asked to authorize experimental construction and use in the transportation of caustic soda solution of one (1) additional tank car conforming to current I.C.C. shipping container specification number 103, except that tank will be fabricated by fusion welding instead of riveting and as further specified herein.

Prior to the test period covered by our several reports, caustic soda solution moved under our requirements in tank cars of specification 103 or 103–A type with riveted steel tanks and riveted anchors.

The instant application and accompanying drawings provide for tank having capacity of approximately 10,000 gallons. Construction will be in accordance with effective regulations and proposed I.C.C. specification 103–W, filed as an exhibit at the hearing herein, and all features of design and construction of the car have been passed upon as satisfactory by the committee on tank cars and Bureau of Explosives of the Association. Reports required by previous authorities granted for fusion-welded test cars show that cars constructed and in service have moved in thousands of trips over a total of millions of miles of safe transportation. Anchorage will be of fusion-welded construction.

Upon further consideration of the record and in the light of added facts disclosed in the instant application, the construction and use of one (1) additional fusion-welded tank of tank car of I.C.C. specification 103 type for caustic soda solution is forthwith authorized, the tank to be constructed and marked in compliance with proposed revised I.C.C. specification 103–W, filed as an exhibit at the hearing and referred to in our prior reports, and the car to be used in further service trials in the transportation of the specified dangerous article.

In all other respects the regulations for transportation of the dangerous article herein referred to are and shall remain in full force and effect.

Owners or operators of car, where construction is authorized herein, shall make semiannual inspections of the tank and report the condition thereof to the same parties as received reports required by current I.C.C. specification to which reference is herein made.

By the Commission, Commissioner Johnson.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 40–2943; Filed, July 16, 1940; 11:29 a. m.]

[1] Under the authority of section 17 (6) of the Interstate Commerce Act, the above-entitled matter was referred by the Commission to Commissioner Johnson for consideration and disposition.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 473–FD]

UPPER ELK COAL COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION FOR EXEMPTION

Upon the request of the Applicant, the Director consents to withdrawal of the above-entitled application for exemption upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which might otherwise become effective during the pendency of a subsequent application for exemption, except upon a showing of a material change of facts, and to that effect:

It is so ordered.

Dated, July 15, 1940.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 40–2954; Filed, July 16, 1940; 11:55 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DESIGNATION OF AREAS UNDER SURPLUS FOOD STAMP PROGRAM

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following areas are hereby designated as areas in which food order stamps may be used:

The area within the city limits of Chicago, Illinois, and the immediate environs thereof as defined by the local representative of the Surplus Marketing Administration.

The area within the city limits of New Orleans, Louisiana, and the immediate environs thereof as defined by the local representative of the Surplus Marketing Administration.

The area within the city limits of Scranton, Pennsylvania, and the imme-

diate environs thereof as defined by the local representative of the Surplus Marketing Administration.

The area within the city limits of Barre, Vermont, and the immediate environs thereof as defined by the local representative of the Surplus Marketing Administration.

The area within the city limits of Houlton, Maine, and the immediate environs thereof as defined by the local representative of the Surplus Marketing Administration.

The area within the city limits of Lawrence, Massachusetts, and the immediate environs thereof as defined by the local representative of the Surplus Marketing Administration.

The area within the city limits of Fall River, Massachusetts, and the immediate environs thereof as defined by the local representative of the Surplus Marketing Administration.

The posting of the definition of "the immediate environs" in the office of the local representative of the Surplus Marketing Administration shall constitute due notice thereof.

The area within the county limits of Yellowstone County, Montana, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Silver Bow County, Montana, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Childress County, Texas, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of El Paso County, Texas, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Taylor County, Texas, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of New Hanover County, North Carolina, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Fulton County, Georgia, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Kenton County, Kentucky, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Campbell County, Kentucky, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Gaston County, North Carolina, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Pennington County, South Dakota, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Spartanburg County, South Carolina, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Hamilton County, Tennessee, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Knox County, Tennessee, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Kenosha County, Wisconsin, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Weber County, Utah, and such area adjacent thereto as may seem desirable to effectuate the program.

The area within the county limits of Pottawattamie County, Iowa, and such area adjacent thereto as may seem desirable to effectuate the program.

The posting of the definition of "and such area adjacent thereto" in the office of the local representative of the Surplus Marketing Administration shall constitute due notice thereof.

The area within the Borough of Brooklyn, New York City, New York, and the immediate environs thereof as defined by the local representative of the Surplus Marketing Administration.

The posting of the definition of "the immediate environs" in the office of the local representative of the Surplus Marketing Administration shall constitute due notice thereof.

The effective dates for the above-mentioned areas shall be announced by the local representative of the Surplus Marketing Administration for the respective areas in local newspapers of general circulation.

[SEAL] PHILIP F. MAGUIRE,
Assistant Administrator.

JULY 13, 1940.

[F. R. Doc. 40-2937; Filed, July 16, 1940; 9:10 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-72]

IN THE MATTER OF ST. AUGUSTINE GAS COMPANY AND AMERICAN GAS AND POWER COMPANY

ORDER APPROVING APPLICATIONS, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D. 1940.

American Gas and Power Company, a registered holding company, and its subsidiary company, St. Augustine Gas Company, have filed a joint declaration and application under the Public Utility Holding Company Act of 1935 regarding the following matters:

(1) A declaration under section 7 by St. Augustine Gas Company with respect to the proposed issue or sale of $125,000 principal amount of First Mortgage 4½% Sinking Fund Bonds, Series A, due 1965, and 271 shares of Common Stock (par $100);

(2) An application under section 10 by American Gas and Power Company with respect to the acquisition of said 271 shares of Common Stock of St. Augustine Gas Company;

(3) An application by American Gas and Power Company under Rule U-12D-1, promulgated pursuant to section 12 (d), with respect to the pledge of said 271 shares of Common Stock of St. Augustine Gas Company; and

(4) An application by St. Augustine Gas Company under Rule U-12C-1, promulgated pursuant to section 12 (c), with respect to the acquisition of its 6% demand notes, in the amount of $82,000, held by American Gas and Power Company;

A public hearing having been held [1] on said joint declaration and application after appropriate notice; the Commission having considered the record in these matters and having made and filed its findings and opinion herein;

It is ordered, That said applications be approved and that said declarations be and become effective forthwith, subject, however, to the following conditions:

1. That the proposed transactions shall be carried out in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration and application;

2. That the proposed transactions shall be consummated within a period of sixty (60) days following the date of this order;

3. That within ten (10) days after the completion of such transactions applicants and declarant shall file with this Commission certificates of notification showing that said transactions have been effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration and application; and

4. That when all expenses incurred in connection with the proposed transactions and the preparation and prosecution of the declaration and application concerned therewith shall be actually paid, applicants and declarant shall file a detailed statement of such expenses showing the names of persons or entities to whom such payments were made, the amounts of such payments, the accounts charged, and a detailed description of the services rendered for which such payments were made.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2953; Filed, July 16, 1940; 11:40 a. m.]

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[1] 5 F.R. 2189.

[File No. 1-2079]

IN THE MATTER OF CENTRAL OF GEORGIA RAILROAD COMPANY, MACON & NORTHERN DIVISION FIRST MORTGAGE 5% BONDS DUE JAN. 1, 1946, AND MIDDLE GEORGIA & ATLANTIC DIVISION PURCHASE MONEY 5% BONDS DUE JAN. 1, 1947

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 15th day of July, A. D. 1940

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Macon & Northern Division First Mortgage 5% Bonds due Jan. 1, 1946 and Middle Georgia & Atlantic Division Purchase Money 5% Bonds due Jan. 1, 1947, of Central of Georgia Railway Company; and

After appropriate notice,[1] a hearing having been held in this matter; and

[1] 5 F.R. 2105.

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on July 25, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2952; Filed, July 16, 1940; 11:40 a. m.]